

## REMARKS

Claims 1-5, 7, 8, 13 and 14 are presently pending in the application. Claims 13 and 14 are added by this amendment. No new matter is included. Claims 6 and 9-12 are canceled. Selected claims are amended to clarify the invention.

Applicant thanks the Examiner for considering the references submitted in the Information Disclosure Statement filed on January 28, 2004, as evidenced by the signed and initialed form PTO/SB/08A.

Applicant also thanks the Examiner for indicating that the drawings filed on January 28, 2004 are accepted.

Reconsideration and allowance of all the rejected claims are respectfully requested in view of the following remarks.

### *Claim Rejections Under 35 U.S.C §112*

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. In particular, the Examiner states that "it is unclear how the limitations of the hydraulic system further limit the spring-loaded device" (see page 2, paragraph number 2, of the November 28, 2006 office action). Applicant has removed reference to the hydraulic system and thus requests the Examiner to withdraw this rejection.

### *Claim Rejections Under 35 U.S.C §102*

Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kittler (US 4,114,809). Claims 9-12 are canceled, thereby rendering this rejection moot.

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 103(a) as being obvious over Fawcett (US 4,223,564) in view of Kittler (US 4,117,809). Applicant respectfully traverses this rejection.

Independent claims 1 and 7 recite, among other things, a shaft that engages the moveable device to impart movement to the moveable device and that engages the clevis to impart a lateral force on the inner tubular member to compress or decompress the spring mechanism. According to one embodiment, a pedal shaft attaches the clevis of the spring loaded device to a pedal which is operated by the user (see the specification at page 9, paragraph number 44). By contrast, known spring loaded devices use a cable system that attaches the clevis, however the cable system could seize or jam (see the specification at page 8, paragraph number 39).

Fawcett is discussed in the "Background of the Invention" section of the specification and provides an encapsulated spring loaded device that is attached to a push-pull coaxial cable remote control system (see the Abstract and Fig. 1). In particular, Fawcett discloses that the push-pull cable assembly (C) passes through a support panel (P) and terminates in a mounting fixture 16 that attaches to an extension sleeve 24 (see Fawcett, col. 3, lines 19-30). The cable assembly is connected to a transmission shifter arm A by way of clevis 30 (see Fawcett, Figs. 1-3). Fawcett is deficient at least because it fails to teach or suggest a shaft that engages the moveable device to impart movement to the moveable device and that engages the clevis to impart a lateral force on the inner tubular member to compress or decompress the spring mechanism. Rather, Fawcett discloses that the push-pull cable assembly (C) engages the clevis to impart a force to move the transmission shifter arm A.

Kittler discloses a throttle stop that causes a sudden increase in resilient force to oppose further throttle movement (see Kittler, the Abstract). The auxiliary resilient means 92 is connected via linkage means 88 to throttle lever 34 and throttle valve means 30 (see Kittler, col. 3, lines 48-55). However, Kittler and Fawcett are deficient, both alone and in combination, at

least because they fail to teach or suggest a shaft that engages the moveable device to impart movement to the moveable device and that engages the clevis to impart a lateral force on the inner tubular member to compress or decompress the spring mechanism.

In view of the foregoing differences between claims 1, 7 and the applied references, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness based on Fawcett in view of Kittler. Thus, claims 1 and 7 are allowable and claims 2-6, 8, 13 and 14 are allowable at least by virtue of their dependency.

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,  


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